

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CASSANDRA F. JOHNSON,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.

Defendants.

CASE NO. C21-5245 BHS

ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO
DISMISS

This matter comes before the Court on Defendant the United States of America's motion to dismiss. Dkt. 10.

On June 10, 2021, the Government moved to dismiss Plaintiff Cassandra Johnson's claims for negligence, informed consent, and corporate negligence. *Id.* Johnson then filed a motion for leave to amend her complaint, dismissing her claims for negligence and corporate negligence and providing more factual basis for her informed consent claim. Dkt. 13. The Government did not oppose Plaintiff's motion for leave to amend, and the Court granted the unopposed motion. Dkt. 14. The Government has since answered the amended complaint. Dkt. 17.

1 It is well established that an “amended complaint supersedes the original, the latter
2 being treated thereafter as non-existent.” *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474
3 (9th Cir. 1997) (internal citation omitted), *overruled on other grounds by Lacey v.*
4 *Maricopa Cnty.*, 693 F.3d 896, 927–28 (9th Cir. 2012). Where a motion to dismiss targets
5 a complaint that has been superseded by an amended complaint, the court should deem
6 the motion to dismiss moot. *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008
7 (9th Cir. 2015). Upon the filing of Johnson’s amended complaint, the Government’s
8 motion to dismiss her initial complaint became moot. Accordingly, the Government’s
9 motion to dismiss, Dkt. 10, is **DENIED as moot.**

10 **IT IS SO ORDERED.**

11 Dated this 23rd day of July, 2021.

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14 BENJAMIN H. SETTLE
United States District Judge
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